APPEAL NO. 021634
FILED AUGUST 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on May 30, 2002. The hearing officer determined that (1) the appellant self-insured (carrier herein) is not relieved from liability for compensation because the claimed injury did not occur while the respondent (claimant herein) was in a state of intoxication from the introduction of a controlled substance; and (2) claimant was not involved in horseplay. Carrier appeals the determinations on sufficiency grounds. The claimant urges affirmance.

DECISION

We affirm.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, the hearing officer could determine that the carrier failed to meet its initial burden of proof with regard to the issue of horseplay and that the claimant was not intoxicated at the time of the injury. We cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

GM
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

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Judy L. S. Barnes
Appeals Judge

CONCUR:

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Susan M. Kelley
Appeals Judge

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Philip F. O'Neill
Appeals Judge